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**UNITED STATES DISTRICT COURT**

**SOUTHERN DISTRICT OF CALIFORNIA**

IN RE: INCRETIN MIMETICS  
PRODUCTS LIABILITY  
LITIGATION

Case No. 13-md-2452-AJB-MDD

As to all related and member cases

**JOINT MOTION TO ENTER AN  
ORDER GOVERNING MASTER  
CONSOLIDATED AND SHORT  
FORM COMPLAINT AND MASTER  
CONSOLIDATED ANSWER**

Lead Counsel for Plaintiffs and Defendants jointly move for entry of a Case Management Order governing the utilization of a Master Consolidated Complaint, a Master Short Form Complaint and process related to a Master Answer. In support of this motion, the parties state as follows:

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1           1.     On November 25, 2013, the Court ordered the parties to “continue to  
2 meet and confer regarding the composition of a Master Consolidated Complaint and a  
3 Master Consolidated Answer.” Plaintiffs were ordered to file the Master Consolidated  
4 Complaint (and Short Form Complaint) no later than November 29, 2013. Defendants  
5 were ordered to file Defendants a Master Consolidated Answer no later than  
6 December 31, 2013. Doc. No. 200, ¶ 1-6.

7           2.     The parties reached an agreement to the form of a Master Consolidated  
8 Complaint and a Master Short Form Complaint. The substance of the parties’  
9 agreements is reflected in the attachments to this Motion: the Master Consolidated  
10 Complaint (attached hereto as Exhibit A); the Master Short Form Complaint (attached  
11 hereto as Exhibit B); and the Proposed Order implementing the master complaints  
12 (attached hereto as Exhibit C). The parties agree that the order will serve the purposes  
13 of creating a just and efficient system for the filing of complaints and answers in these  
14 proceedings.

15           3.     The Defendants’ agreement to the Master Consolidated Complaint and  
16 the Master Short Form Complaint consist of agreements to the form of these  
17 documents alone. By agreeing to the form of the Master Consolidated Complaint and  
18 Master Short Form Complaint, the Defendants have not agreed to or admitted the  
19 allegations set forth in those documents, nor have they conceded or waive their right  
20 to dispute the legal validity of the claims alleged in them. Defendants reserve their  
21 rights, and do not waive, their ability to challenge or otherwise move to dismiss  
22 certain counts alleged in the Master Consolidated Complaint at the appropriate time in  
23 any individual plaintiff’s action, including cases that may be selected for inclusion in a  
24 discovery pool or bellwether trial pool; however, Defendants will not file a master  
25 motion to dismiss against the Master Consolidated Complaint on a global basis. The  
26 parties agree that any proposed Order submitted to this Court for a process of selecting  
27 cases for inclusion in a discovery or bellwether trial pool will include such a proposed

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1 procedure for the filing of dispositive motions applicable to those cases. Accordingly,  
2 Lead Counsel for Plaintiffs and Defendants respectfully request that the Court grant  
3 this joint motion and enter the proposed order.

4  
5 Dated: November 29, 2013

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